

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 3233 of 2001(I)

PETITIONER:

**G.RAJU,
ASSISTANT CONSERVATOR OF FOREST,
AGASTHYAVANAM BIOLOGICAL PARK,
SPECIALA DIVISION, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.K.SURESH KUMAR
SMT.M.R.SREELATHA
SRI.K.P.SUDHEER**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP.BY ITS SECRETARY, FOREST &
WILDLIFE DEPARTMENT, THIRUVANANTHAPURAM.**
- 2. THE CHIEF CONSERVATOR OF FORESTS
ADMINISTRATION, THIRUVANANTHAPURAM.**
- 3. THE DEPARTMENTAL PROMOTION COMMITTEE (HIGHER)
FOR KERALA FOREST SERVICE REP.BY ITS
CONVENOR, THE PRINCIPAL SECRETARY,
DEPARTMENT OF FORESTS, THIRUVANANTHAPURAM.**

ADDL.R4 IMPEADED.

- 4. K.V.UTHAMAN, FOREST RANGE OFFICER,
THALIPARAMBA, KANNOOR.**

ADDL.R4 IS IMPEADED AS PER ORDER IN CMP. NO.13174/2001 DT.29.3.01.

**BY ADV. SRI.P.C.SASIDHARAN
GOVERNMENT PLEADER
SRI.P.K.VIJAYAMOHANAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP.NO.5333/2001 IN OP. NO.3233/2001

DISMISSED

07.06.2007

SD/- THOTTATHIL B.RADHAKRISHNAN , JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GO(Rt) NO.117/96/F&WLD DT. 19.3.96 ISSUED BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE GO(MS) NO 96/97/F&WLD DT. 18.11.97 ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE REPRESENTATION DT. 25.11.97 SUBMITTED BY THE PETITIONER.

EXT.P4:- COPY OF THE ORDER DT. 16.4.98 ISSUED BY THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE GO(MS) NO.67/99/F&WLD DT. 7.7.99 ISSUED BY THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE GO(MS) NO.66/2000/F&WLD DT. 25.11.2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P7:- COPY OF THE MEMO OF CHARGES DT. 9.11.85 ISSUED TO THE PETITIONER.

EXT.P8:- COPY OF THE LETTER DT. 30.12.2000 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT.

EXT.P9:- COPY OF THE REPRESENTATION DT. 25.12.2000 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

/TRUE COPY/

tss

Thottathil B. Radhakrishnan, J.

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O.P.No.3233 of 2001

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Dated this the 7th day of June, 2007.

JUDGMENT

Petitioner, a Range Officer in the regular service of the Government was temporarily promoted as Assistant Conservator of Forests. For various reasons, his name was not cleared by the Departmental Promotion Committee, though it met on different occasions. The legality or otherwise of the exclusion of the petitioner by the DPC does not require to be considered in this case at this distance of time. In spite of the DPC having identified various other persons as entitled for promotion, the petitioner continued to cling on as Assistant Conservator of Forests on the basis of the temporary promotion. He filed this writ petition in the wake of O.P.No.2969 of 2001 filed by one Sri.K.V.Uthaman and another on the ground that the petitioner in this case is illegally being retained as Assistant Conservator of Forests, though temporarily, in spite of the fact that the petitioners in O.P.No.2969 of 2001 have been cleared by the DPC, while

the petitioner in this case, namely, Sri.G.Raju, is yet to be cleared by the DPC. With the passage of time, it has to be noted that, on the strength of an interim order passed in this case at the stage of admission on CMP No.5333 of 2001, the reversion of the petitioner from the category of Assistant Conservator of Forests to which he was temporarily promoted stood stayed and he retired while officiating as Assistant Conservator of Forests. It is also submitted by the learned Government Pleader that his retiral benefits have also been released. This means he was paid the retiral benefits referable to the category of Assistant Conservator of Forests. In this view of the matter, the question of seniority or re-fixation of seniority and re-opening of the concluded DPC decisions do not survive. Writ petition fails. It is hence dismissed.

**Thottathil B.Radhakrishnan,
Judge.**

sl.

OP3233/2001

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Thottathil B. Radhakrishnan, J.

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O.P.No.3233 of 2001
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JUDGMENT

Dated:7-6-2007